

REMARKS

Claims 1-12 are pending in this application. Claims 1, 3, and 9 are independent. In light of the remarks contained herein, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejections.

In the outstanding Official Action, the Examiner rejected claims 1-3, 7, and 9 under 35 U.S.C. § 103(a) as being unpatentable over *Ohta et al.* (USP 6,493,027) in view of *Hull et al.* (USP 5,806,005); rejected claims 4, 6, and 10-12 under 35 U.S.C. § 103(a) as being unpatentable over *Ohta et al.* in view of *Hull et al.* and further in view of *Yokota et al.* (USP 5,847,662); rejected claim 5 under 35 U.S.C. § 103(a) as being unpatentable over *Ohta et al.* in view of *Hull et al.* and *Yokota et al.* and further in view of *Nisikawa* (USP 5,821,995); and rejected claim 8 under 35 U.S.C. § 103(a) as being unpatentable over *Ohta et al.* in view of *Hull et al.* and further in view of *Kiyokawa* (USP 6,204,877). Applicant respectfully traverses these rejections.

**Claim Rejections - 35 U.S.C. § 103(a) -  
*Ohta et al./Hull et al.***

In support of the Examiner's rejection of claim 1, the Examiner asserts that *Ohta et al.* teaches that the controller causes the oscillation section to stop the generation of a carrier at least for a period of time when the image or audio information

is captured to the time when the image or audio information is recorded, citing to col. 6, lines 43-60 and Fig. 5. The Examiner further admits that *Ohta et al.* fails to teach or suggest a wireless communication device for transmitting the information to external equipment through wireless communication; an oscillation section for generating a carrier for the wireless communication device; and a controller for controlling the generation and stop of a carrier. However, the Examiner relies on *Hull et al.* to cure the deficiencies of the teachings of *Ohta et al.* Applicant respectfully disagrees with the Examiner's characterization of these references.

At the outset, it is respectfully submitted that as the Examiner admits that *Ohta et al.* fails to teach a wireless communication device, an oscillation section, and a controller, it must necessarily follow that *Ohta et al.* fails to teach that the controller causes the oscillation section to stop the generation of a carrier as asserted by the Examiner. If *Ohta et al.* fails to teach a controller for controlling the generation and stop of a carrier, then Applicant respectfully submits that *Ohta et al.* fails to teach that the controller causes the oscillation section to stop the generation of a carrier as asserted by the Examiner.

Further, Applicant notes that the disclosure set forth in *Ohta et al.* is directed to an apparatus for still and moving image

recording and control thereof. Specifically, at col. 6, lines 43-60, *Ohta et al.* teaches

As described above, with the release button turned on by the photographer in the still image shooting mode, the control operation is performed to forcibly bring the focusing lens group and the zooming lens group to a stop. Therefore, conditions inapposite to shooting such as changes in the angle of view and in the extent of blur of the image picked up due to the movement of the optical system resulting from the release operation can be prevented. Further, since the optical system is movable again, after the still image shooting, under the same condition as before. Therefore, any unnatural shot that results from the forced stoppage mentioned above can be minimized. In other words, the arrangement of this embodiment prevents an image shake and enables the video camera of the kind capable of recording both a moving image and a still image to give a sharp still image shot because the optical system actuators for the focusing and zooming lens groups are forcibly brought to a stop for still image shooting.

As noted above, *Ohta et al.* teaches, during a still image shooting mode, a control operation is performed to forcibly bring the focusing lens group and zooming lens group to a stop. *Ohta et al.* teaches doing this so that conditions inapposite to shooting such as changes in the angle of view and in the extent of blur of the image picked up due to the movement of the optical system resulting from the release operation can be prevented. As such, *Ohta et al.* teaches stopping the focusing lens group and zooming lens group to prevent blur in a still image.

In contrast, the present invention as set forth in claim 1 recites, *inter alia*, an information recording device comprising an

oscillation section for generating a carrier for the wireless communication device and a controller for controlling the generation and stop of the carrier wherein the controller causes the oscillation section to stop the generation of a carrier at least for a period of time when the image or audio information is captured to the time when the image or audio information is recorded.

It is respectfully submitted that the control operation to forcibly bring the focusing lens group and zooming lens group to a stop as taught by *Ohta et al.* does not teach or suggest wherein the controller causes the oscillation section to stop the generation of a carrier for at least a period of time from the time when the image or audio information is captured to the time when the image or audio information is recorded. As the controlling of the lens group does not teach or suggest the controlling of the oscillation section to stop the generation of a carrier, as recited in claim 1, it is respectfully submitted that *Ohta et al.* fails to teach the claim elements as asserted by the Examiner.

Additionally, it is respectfully submitted that the invention set forth in *Hull et al.* is directed to a wireless image transfer from a digital still video camera to a networked computer. *Hull et al.* teaches utilizing a cellular telephone transmitter 28 to download images to a server station which incorporates a large

capacity memory (col. 1, lines 37-42). However, *Hull et al.* fails to teach or suggest wherein the controller causes the oscillation section to stop the generation of a carrier at least for a period of time when the image or audio information is captured to the time when the image or audio information is recorded as recited in claim 1.

Since neither of the references cited by the Examiner teach or suggest that the controller causes the oscillation section to stop the generation of a carrier at least for a period of time as recited in claim 1, assuming these references are combinable, which Applicant does not admit, it is respectfully submitted that claim 1 is patentable over *Ohta et al.* in view of *Hull et al.*

It is respectfully submitted that claim 2 is allowable for the reasons set forth above with regard to claim 1 at least based upon its dependency on claim 1. It is further respectfully submitted that claims 3 and 9 contain elements similar to those discussed above with regard to claim 1 and, thus, claims 3 and 9, together with claims dependent thereon, are allowable over the art cited by the Examiner for the reasons set forth above with regard to claim 1.

#### Conclusion


Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully


requested to contact Catherine M. Voisinnet (Reg. No. 52,327) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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